1942 Legis 23-42 ~~Legis 82~~ Serial No. 1

Previous references.

PRESERVED

Later references.

24

Office of the Secretary to the Representative Assembly and Legislative Council

part B for october 1942

SUBJECT.

Act No ~~XLI~~ of 1942

An Act to amend Act ~~XXXVII~~ of 1942 providing for the application of State laws to the lands acquired by the Yeshwantpur-Harihar line

To,

The compiler Mysore Gazette

Order No. RL 501 - legis 23-42-1 dated 21-10-42

Directs publication of Act No ~~XLI~~ of 1942

WD 04023—GPB—1,000- 12-9-41

Serial No.

From

The Secretary to the Hon'ble the Resident

No F. 37-42 | pol Dt 10-9-1942

Recommends that an amendment may be issued to Act No XXXVII of 1942 providing that for purposes of section 177 of the Cr. P.C. Offences committed prior to the date of retrocession shall be deemed to be Offences Committed Within the local limits of the Competent Mysore State ~~Courts~~ Courts.

1 Submitted With References for orders

Kind Reference is invited to Section 5 of the Act ~~&~~ making provision for disposal of pending criminal cases on the files of ~~the~~ Station Criminal Courts

2 It is now stated that there are a few cases which are still under investigation and in respect of which prosecutions have not yet been launched. The Residency proposes to transfer these Cases to the Mysore State police.

3) It is noted that Chapter XIV of Cr. P.C relate to the police investigations

Subd
Com
1249

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

4)

The Resident want us to take immediate action in the matter of making an amendment in Act No XXVIII of 1881 to the effect that "for purposes of Sec 177 of the Code of Criminal Procedure, Offences committed within the local limits of the competent Regular State Courts."

No doubt in Sec" 4 & Sec" 5 of the have provided for Civil & Criminal matters pending before the Civil & Criminal Courts on the C.P.C. & the Act of the Jahrs proceedings

We have not to deal with Sec 5 & Sec 4 the amendment & repeal of the Resident is necessary. In Sec 5 of the have provided for "proceedings taken cognizance of by & pending before the Criminal Courts on the C.P.C. & the Act of the Jahrs.

In Chitaly's Criminal Bo. Code Vol I of the States thus:- "The taking notice of an offence on a Police report under Sec 157 & action on such report under S. 159 .. is not taking cognizance of an offence for the purposes of the Code." This is because, the expression "taken cognizance of an offence" signifies the Judicial proceedings with reference to the offence, & act of a Magistrate taking cognizance of an offence, would not be Judicial act with reference

Serial No.

to the offence. In Empress V. Soonder Lashmee (11 Cal L.J. 217 : 6 Ind Cas 8.) it was observed that "taking cognizance occurs as soon as a Magistrate as such applies his mind to the suspected case in a manner the offence. The Code whether cognizance has been taken in any particular case must depend upon the facts & circumstances of each case Thus when a Magistrate receiving a report from the police under Sec 157, when a Magistrate on receiving such a report directs, under Sec 159 an investigation, he does not take cognizance of the offence. In A.I.R. 1932 Mad 673, it is held that a direction to charge sheet or accepting report of police that case is not true, is not a judicial act. In A.I.R. 1924 Cal 476, it is held that an order by which accused is remanded to custody to enable police investigation to be completed does not amount to taking cognizance. But when a Magistrate after receiving the F.I.R. takes proceedings on an application for bail under Sec 497 Cri Pro Code, such proceedings are judicial proceedings & Mad I.L.R. 396. Thus cognizance is taken of an offence as soon as a Court competent for the purpose, applies its mind to the offence with the intention of

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Amendment to Act No XXXVII of 1942 to the Lands providing for the application of State Laws occupied by the Yesvantpur - Harihar line of Mysore State Railways.

File No. 4 of 194

General and Revenue Secretariat.

Serial No.

SEP 16 1942
2391
2353

initiating judicial proceedings against the officers in respect of the offences — it is only such cases that come under the purview of Sec 5 of Act XXXVII of 1942, & not cases contemplating all offences of which the officers have received a report, have started investigation on such a report. Hence it is very essential that the amendments, as suggested by the Residency, be taken up at once

Law Secretary) 3 16/9/42

7) Under instructions of the Law Secretary the file is placed before Mr Narasimhan to frame the amendments as suggested by the Residency.

3 16/9/42

6) ~~Draft of an amending Act is submitted for consideration. It may be issued like the original Act by virtue of the Prerogative.~~

16/9

Law Secy)

SECY. LAW DEPT 3043 16 SEP 1942 GOVT OF MYSORE

7) May be approved

16-9-42

Minister for Law & Law

16/9

8) Ben 16/9

9) 16/9/42

17-9-42 16/9

Application of State Laws to the lands occupied by the Yesvantapur - Harihar line of the M.S.R.

General and Revenue Secretariat | File No. 5 of 194 | [App. F. III—2

Serial No.

10) Submitted With a D. F. IV.

[The file has not been circulated]

Com 19/9

11) This is a Council matter and may perhaps be disposed of by circulation

JMM 19/9

2297

SECY. LAW DEPT. 21 SEP 1942 GOVT. OF MYSORE

Law Secy

12) May be disposed of by circulation

Dewan

Cus 18-9-42

JMM 19/9

13) NM

19/9/Cir

Cus 21-9-42

14) For favour of circulation

Chief Secy

Cus 21-9-42

21 SEP. GOVT. OF MYSORE.

Submitted with a circulation memo

for 21/9/42 Sgnm

NM 21/9

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Immediate

For Disposal by Circulation. 6 **No. C. 348**

.....9.1942-43.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Amendment to ActxXXVII of 1942 to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the M. S. Railway.

15) *Circulated to the Council of Ministers.*

By Order.

Chief Secretary to Government.

22nd September 1942.

2623/24.9.42 **Minister for Finance and Revenue.** 16) 24.9.42

Minister for Law. (Seen)

1561/24.9 **Minister for Education.** 17) 24-9-42

24.84/24.9 **Minister for Local Self-Government and Public Health.** 18) 24.9.

Law Secy to Govt.

WD 06346—GPB—500—24-3-42

26-9-42

1579

Amendment of Act XXXVII of 1942

General and Revenue Secretariat | File No. 7 of 194 | [App. F: III—2

Serial No.	
9	Submitted with a D.F.N. MRV 26/9
	26/9/42 Law Secy)
20)	D.F.N. submitted Ans 26-9-42 MRV 29/9
	Minute of Law Secy
21)	Ans 28/9
22)	S.N. is submitted Ans 29-9-42 MRV 29/9
2596	Minute

SECY. LAW DEPT. 34 29 SEP 42 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW
SEP 28 1942
No. 2699

NOTE—Contn. Shee

WD 04155—GPB—55,000—23-10-41

Submitted to His Highness.

I submit herewith for His Highness's approval a Final Note by the Minister for Law on the subject of the promulgation into law of an Act to amend Act XXXVII of 1942 providing for the application of State laws to the lands occupied by the Yeswantapur - Harihar line of the Mysore State Railway, over which jurisdiction has been recently retroceded to the State.

N Madhava Rau

DEWAN.

Bangalore,

29th September 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of an Act to amend Act XXXVII of 1942 providing for application of State laws to the lands occupied by the Yeswantapur - Harihar line of the Mysore State Railway.

Order.

30/9/42

No. 268

General and Revenue

Secretariat.

C348

SUBJECT:-

Promulgation into law of an Act to amend Act XXXVII of 1942 providing for application o State laws to the lands occupied by the Yeswan pur-Harihar line of the Mysore State Railways.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or ndications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

...L.a.w.....Department.

3-10-42

3483/19.X.42 Minister for Finance and Revenue. 19.10.42

2926/3.X. Minister for Law.

1834/8.10 Minister for Education. 8.10.42

2790/3/10 Minister for Local Self-Govt. and Public Health. 7.10.42

Law Secy ack

NOTE.—Contn. sheet

WD 06360—GPB—500—23-3-42

Ans 19-10-42

Act to Amend Act XXXVII 1942

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

The file may be sent to the Legis section of the N.T. Office for taking necessary further action.

In further action

M. 19/10/42

M/Secy Legs GE

Z 21/10/42

BKR 21.10.42

The gracious assent of His Highness the Maharaja was accorded on 30-9-42 to promulgate the amending Act (Act to amend Act XXXVII of 1942) into law.

Draft G.O. directing publication of the Act as Act ~~No XXXVII~~ No XLI 1942 is submitted for approval.

May be approved.

ZV. 21-10-42

A copy will be sent to Bangalore today for inclusion in tomorrow's issue of the Gazette.

Secy (Legs)

DDS 21.10.42

Subject to

As there is no issue of Gazette to-morrow on account of Dasara Holidays, the Act has to be published in an Extra-ordinary issue of the Gazette

Subject to orders

ZV. 21-10-42

BKR 21.10.42

Law Secy)

Please see marginal note

BKR 21.10.42

Law Secy)

cc 21-10-42

BKR 21.10.42

cc 21-10-42

Issue

BKR 21.10.42

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Act to amend Act ~~XXXVII~~ of 1942

File No. of 194 | General and Revenue Secretariat

Serial No.

7

— The compiler, Mysore Gazette,
No RL 501 dated Legis 23-42-1 dated 21-10-42
directs publication of the Act in an Extra-ordinary
issue of the Gazette dated 22-10-42
From —
— The compiler Mysore Gazette
letter No 1028 dated 22-10-42
states that arrangements have been
made to publish the Act in a Gazette Extra-
ordinary
The Act has been published in the Gazette
Extra-ordinary dated 22-10-42
A copy of the Act is put up herewith for
perusal
If approved the file will be sent to the
administrative Branch to take further
action Sub

2V
23.10.42.

Please record & file rejoin

BVN
23/10 first

24.10.42

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

1573/42

No. F.37-42/Pol.

REV. SECRET 11. SEP. 1942 PROTECTION

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, the 10th Sept. *1942.*

CHIEF SECRETARY 10. SEP. 1942 GOVT. OF MYSORE.

Retrocession of jurisdiction over the Yeswantpur-Harihar section of the Mysore Railways.

I am directed to refer to your letter No.Pol.524, dated the 2nd September 1942, and to say that the files have been called for from the Courts in the Civil and Military Station, Bangalore, and will be forwarded to you as soon as they are received.

2. It is understood that there are a few cases which are still under investigation, and in respect of which prosecutions have not yet been launched. It will clearly be difficult for the Station Police to continue investigation, and the Hon'ble the Resident considers that such cases should also be transferred to the Mysore authorities for further action according to law. But as there is no provision for the trial of such cases in the enactment just promulgated, Act No.XXXVII of 1942, it is considered that an amendment would be necessary providing that for the purposes of section 177 of the Code of Criminal Procedure, offences committe prior to the date of retrocession shall be deemed to be offences committed within the local limits of the competent Mysore State Courts. I am to request that urgent action may kindly be taken in this behalf.

Records

records of cases under investigation will then be handed over to the Mysore State Police direct, if the Government of Mysore have no objection.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

BJ

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R L 501 Legn 23-42-1

Dated, Bangalore, 21st August 1942

Ordered that the accompanying Act to amend Act XXXVII of 1942 providing for application of State laws to the lands occupied by the Yeshwantapur - Harihar line of the Mysore State Railway

which received the assent of His Highness the Maharaja, on the 30th day of September 1942, be published as Act No. XLI of 1942, in the *Mysore Gazette*, extraordinary dated 22-10-42 for general information.

General Secretary to Government.
21.10.42
Law Department

To

(1) The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette dated 22-10-42 in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

(2) Copy to the Translation Section

ACT NO. XLI of 1942.

An Act to amend the Act to provide for the application of State laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

(Received the assent of His Highness the Maharaja on the 30th. day of September 1942)

WHEREAS it is expedient to amend the Act to provide for the application of State laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja, for the purposes hereinafter appearing:

His Highness the Maharaja has been pleased to enact as follows:--

1. This Act may be called the Act to amend Act XXXVII of 1942 to provide for the application of State laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

2. The following shall be added as section 10 of the said Act, namely:--

"For purposes of section 177 of the Code of Criminal Procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction."

(Sd) N. Madhava Rau

DEWAN.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No.RL 501-Legis.23-42-1 dated, Bangalore, 21st Octr. 1942

Ordered that the accompanying Act to amend Act XXXVII of 1942 providing for application of State Laws to the lands occupied by the Yeswantapur - Harihar line of the Mysore State Railway, which received the assent of His Highness the Maharaja, on the 30th day of September 1942, be published as Act No. XLI of 1942, in the Mysore Gazette, for general information.

BKR

Secretary to Government,
Law Department.

To.

The Compiler, Mysore Gazette for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

SRR

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

General and Revenue Secretariat

( )

the *19*

Date of issue.. .....

Signed by .....

List of enclosures.....

Copied by .....

Examined by .....

Act ~~No.~~ of 1942

An Act to amend the Act to provide for the application of State laws to the lands occupied by the Yesvantapur-Harihar line of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja

Whereas it is expedient to amend the Act to provide for the application of State laws to the lands occupied by the Yesvantapur-Harihar line of the Mysore State Railways and for transitional arrangements in

respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja for the purposes hereinafter appearing:

His Highness the Maharaja has been pleased to enact as follows:-

1. This Act may be called the Act to amend ~~the~~ Act XXVII of 1942 to provide for the application of State laws to the lands occupied by the Yesvantapur-Harihar line of the Mysore State Railways and for transitional arrangements in respect of proceedings and other matters pending in Courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja

2. The following shall be added as section 10 of the said Act, namely:-

"For the purposes of section 174 of the Code of Criminal Procedure, 1904,

offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of Competent jurisdiction"

Dewan

16/9

2 & R L

GOVERNMENT OF MYSORE

Telephone No. 284.

OFFICE OF
Compiler, Mysore
The Superintendent,
Government Branch Press, Mysore.
Camp Mysore.

No. 1028
Fl. No. Encl.

Gezette,

Date 22nd October 1942.

Legis

SECY. LAW DEPT. 22 OCT. 19 GOVT OF MYSORE

To

The Secretary to Govt.
Law Department,
Camp. MYSORE.

OFFICE OF THE SECRETARY H.R.V. 23 OCT. 1942 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Sir,

Referring to your Memo. forwarding the Order No.50/ Legis.23-42-1, dated 21-10-1942 for being published in the Mysore Gezette dated 22-10-1942, I have the honour to state that, as there is no issue of the Mysore Gezette dated 22-10-1942 on account of Dasara Holidays, the matter has been arranged to be published as Gazette Extrordinary both in English and Kannada.

I have the honour to be,
Sir,
Your most obedient servant,

COMPILER.

22/10

Regd.No. M.—1175

The Mysore Gazette

(EXTRAORDINARY)

PUBLISHED BY AUTHORITY

MYSORE, THURSDAY, OCTOBER 22, 1942.

PART IV

Legislative Measures and Rules thereunder

NOTIFICATION

Order No. Rl. 501—*Legis.*, 23-42-1, *Dated, (Camp) Mysore, the* 21*st October* 1942.

ORDERED that the accompanying Act to amend Act XXXVII of 1942, providing for application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railway, which received the assent of His Highness the Maharaja, on the 30th day of September 1942, be published as Act No. XLI of 1942, in the *Mysore Gazette* for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XLI OF 1942

AN Act to amend the Act to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

[*Received the assent of His Highness the Maharaja on the 30th day of September 1942*].

WHEREAS it is expedient to amend the Act to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja, for the purposes hereinafter appearing:

His Highness the Maharaja has been pleased to enact as follows:—

1. This Act may be called the Act to amned Act XXXVII of 1942 to provide for the application of State Laws to the lands occupied by the Yeswantapur-Harihar line of the Mysore State Railway and for transitional arrangements in respect of proceedings and other matters pending in courts on the date of the retrocession of jurisdiction over the said lands to His Highness the Maharaja.

2. The following shall be added as Section 10 of the said Act, namely:—

"For purposes of section 177 of the Code of Criminal Procedure, 1904, offences committed prior to the date of retrocession shall be deemed to be offences committed within the local limits of Mysore Courts of competent jurisdiction."

N. MADHAVA RAU,

Dewan.

Printed by the Asst. Superintendent at the Government Branch Press, Mysore.